

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:05CR365
)	
Plaintiff,)	
vs.)	ORDER
)	
JAMES C. HOENSELAAR,)	
RENE M. PRIES,)	
MATTHEW J. LAYTON, and)	
AMBERLY D. EDWARDS,)	
)	
Defendants.)	

This matter is before the court on Matthew J. Layton's (Layton) Motion to Continue Trial (Filing No. 50). Layton has complied with NECrimR 12.3. Upon consideration,

IT IS ORDERED:

1. Layton's Motion to Continue Trial (Filing No. 50) is granted. The continuation will be granted as to all defendants in this case.
2. Trial of this matter is continued **to February 6, 2006** before the Honorable Joseph F. Bataillon and a jury.
3. The ends of justice will be served by granting such motion and outweigh the interest of the public and the defendants in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **December 9, 2005, and February 6, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, because of defendant's counsel being unavailable for trial because of medical reasons and that defendants' counsel require additional time to adequately prepare the case. Failure to deny this motion might result in a miscarriage of justice. 18 U.S.C. Sec. 3161(h)(8)(A) & (B)(1v).

Dated this 9th day of December, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge